

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GLENNDOL FRANK PARKER, : CIVIL ACTION
: :
Plaintiff :
: :
v. :
: :
C.O. CONWAY, et al., :
: :
Defendants : No. 07-0251

ORDER

AND NOW, this day of 2009, upon consideration of the Plaintiff's Bill of Costs (Doc. No. 51) and the Commonwealth Defendants' Objections thereto, it is ORDERED that the objections are SUSTAINED. Costs are taxed against the Commonwealth Defendants in the amount of \$350.00, which represents the fee to the clerk for initiating this civil action. All other costs demanded in the Bill of Costs are denied.

BY THE CLERK:

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	:	
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	:	
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	:	
C.O. CONWAY, et al.,	:	
	:	
Defendants	:	No. 07-0251

COMMONWEALTH DEFENDANTS' OBJECTIONS TO
PLAINTIFF'S BILL OF COSTS

Plaintiff Glenndol Parker brought civil rights claims against Joseph Conway and George Borrell (together, the "Commonwealth Defendants"). On April 15, 2008, following a trial, the court entered judgment against Defendant Conway. Shortly thereafter Plaintiff filed his Bill of Costs. (Doc. No. 51). The Commonwealth Defendants hereby object to Plaintiff's Bill of Costs for the reasons stated below.

Plaintiff's Bill of Costs requests reimbursement for "Fees of Clerk" (\$350.00), "Fees of the court reporter for all or any part of the transcript necessarily obtained for use in this case" (\$2,843.63), and "Fees for exemplification and copies of papers necessarily obtained for use in this case" (\$42.80), for a grand total of \$3236.43. Plaintiff's Bill of Costs simply lists these amounts and does not include any itemization, documentation, or other papers that would indicate how the dollar amounts for each category were equated.

“Successful civil rights litigants are entitled to reimbursement of “costs” connected with litigating their claim as long as the costs are reasonably and necessarily incurred.” Becker v. ARCO Chemical Co., 15 F.Supp.2d 621, 635 (E.D.Pa., 1998) (citing Planned Parenthood of Southeastern Pennsylvania v. Casey, 869 F.Supp. 1190, 1201 (E.D.Pa. 1994)). “Compensation is appropriate if the incurred costs are not unreasonable, unnecessary, or inadequately documented.” Id. (citing Coalition to Save Our Children v. State Board of Education, 901 F.Supp. 824 (D.Del. 1995).

Although, the Bill of Costs form Plaintiff submitted explicitly instructs the party to “Attach an itemization and documentation for requested costs in all categories,” Plaintiff has not done so. This fact alone justifies denial of the costs. See Blagrave v. Nutrition Management Services Co., No. 05-6790, 2009 WL 440299, at *8 (E.D.Pa. Feb. 20, 2009) (“This court has held that counsel must adequately document costs in order for them to be recoverable.”) (citing Becker, 15 F.Supp.2d at 637.) The Commonwealth Defendants are nonetheless aware that the fee for filing a civil action in this court is \$350.00 and therefore do not object to the \$350.00 in “Fees of the Clerk” costs.

However, the Commonwealth Defendants object to all other costs. The lack of any supporting itemization, documentation or any other paper indicating how the totals for the other categories (court reporter and copying fees) were determined, precludes anyone from even assessing the reasonableness or necessity of those costs. Those costs should therefore be

denied as undocumented and because there is no indication that these costs were reasonable and/or necessary.

WHEREFORE the Court should tax costs against the Commonwealth Defendants in the amount of \$350.00 and deny all other costs demanded by Plaintiff.

Respectfully submitted,

THOMAS W. CORBETT, JR.
Attorney General

By: s/ Kevin Bradford

Kevin R. Bradford
Deputy Attorney General
Attorney I.D. No. 88576

Susan J. Forney
Chief, Litigation Section

Date: December 17, 2009

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: :
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CERTIFICATE OF SERVICE

I, Kevin R. Bradford, hereby certify that the Objections to the Bill of Costs has been filed electronically and is available for viewing and downloading from the Court's Electronic Case Filing System. The following parties are listed as ECF Filing Users and are therefore automatically served by electronic means:

- Stephen D. Brown, Esquire [stephen.brown@dechert.com; lisa.ricchezza@dechert.com]
- Joshua G. Schiller, Esquire [joshua.schiller@dechert.com; michelle.kirsch@dechert.com; lisa.ricchezza@dechert.com]

I further certify that a true and correct copy of this document was mailed on December 17, 2009 by first class mail, postage prepaid to:

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